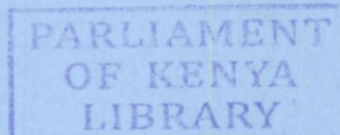


EXPLANATORY MEMORANDUM TO THE PUBLIC HEALTH (COVID-19  
RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES)  
VARIATION RULES, 2020


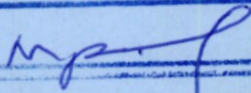


**A. The Purpose of the Rules**


1. The general purpose of the *Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Variation Rules, 2020* (L.N. 56/2020) is to vary the *Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020* (L.N. 50/2020) by providing a more comprehensive definition of the word "gathering."
2. The *Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020* (L.N. 50/2020) seek to restrict movement from identified infected areas, prohibit and regulate gatherings and to provide for related measures, with the aim of curbing the spread of COVID-19.

**B. The Legislative Context**

3. Section 35 of the of the Public Health Act, Chapter 242 of the Laws of Kenya gives the Minister (Cabinet Secretary) responsible for Health (hereinafter, "the Cabinet Secretary") the power to declare, by Order, a disease a formidable epidemic disease. By Legal Notice No. 37 dated 27<sup>th</sup> March, 2020, the Cabinet Secretary declared COVID-19 a formidable epidemic disease. Section 36 of the Public Health Act gives the Cabinet Secretary the power to make Rules to prevent the spread of a formidable epidemic, endemic or infectious disease. Pursuant to the said section, the Cabinet Secretary published the *Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020* (L.N. 50/2020) which the present Rules now seek to vary.


 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
1 <b>DATE:</b>	29 APR 2020
	<b>DAY:</b> WED
<b>TABLED BY:</b>	Hon. ADEN DUALE LEADER OF MAJORITY
<b>CLERK-AT THE TABLE:</b>	






### **C. Policy Background**

4. The World Health Organization declared COVID-19 a public health emergency on 30<sup>th</sup> January, 2020. Since then, the disease continues to spread rapidly, across boundaries. The disease spreads mainly through close contact with infected persons. On 13<sup>th</sup> March, 2020, Kenya confirmed its first case of COVID-19. On 13<sup>th</sup> March, 2020, Kenya confirmed its first case of COVID-19. As at 23<sup>rd</sup> April, 2020 there were a total of three hundred and twenty (320) confirmed cases of COVID-19 in Kenya, with fourteen (14) deaths and eighty-nine (89) recoveries.



The World Health Organization has provided guidelines on measures that need to be taken to prevent and control the spread of COVID-19. Some of these measures had been or are being implemented in several jurisdictions that have been afflicted by COVID-19. These measures include maintaining social distance; washing hands with soap and water; observing respiratory hygiene and the safe management of dead bodies in the context of COVID-19.



The provisions of the present Rules seek to give effect to the foregoing prevention and control measures that have been recommended by the World Health Organization and/or implemented in other jurisdictions faced with the COVID-19 pandemic, in order to prevent and control the spread of COVID-19 through social interaction.

### **D. Public Consultations**

5. In view of the emergency circumstances occasioned by the rapid spread of COVID-19 and the measures that have already been taken to prevent and control the spread of the same, public consultations were not feasible prior to the publication of the present variation. The present variation simply seeks to provide a comprehensive definition of what would constitute a “gathering”

under the already published *Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020* (L.N. 50/2020).

6. Indeed, and in any case, it is noteworthy that the *Public Health (Prevention, Control and Suppression of COVID-19) Rules, 2020* (L.N. 46/2020) were subjected to public consultations following their publication. The present variation reflects most of the comments and views which, although given in the context of the earlier set of Rules, provided the public's general views and suggestions on the legal response measures to contain COVID-19.

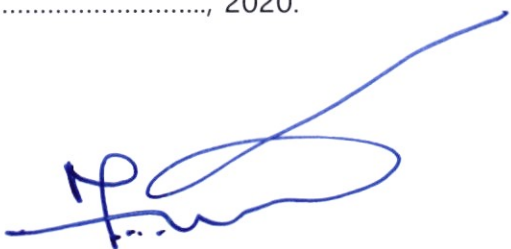
#### **E. Guidance**

7. The Ministry of Health, the Office of the Government Spokesman and the County Governments shall sensitize members of the public on the provisions and requirements of the present Rules.

#### **F. The Contact Person in the Ministry of Health**

8. The contact person at the Ministry of Health shall be the Cabinet Secretary, Hon. Mutahi Kagwe, EGH or the Principal Secretary, Ms. Susan Mochache CBS.

Dated the.....24th April....., 2020.



**Hon. Mutahi Kagwe, EGH**  
**Cabinet Secretary for Health.**

LEGAL NOTICE NO. 56

THE PUBLIC HEALTH ACT

(Cap. 242)

THE PUBLIC HEALTH (COVID-19 RESTRICTION OF  
MOVEMENT OF PERSONS AND RELATED MEASURES)  
VARIATION RULES, 2020

IN EXERCISE of the powers conferred by section 36 of the Public Health Act and further to the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020, the Cabinet Secretary for Health makes the following Rules—

THE PUBLIC HEALTH (COVID-19 RESTRICTION OF  
MOVEMENT OF PERSONS AND RELATED MEASURES)  
VARIATION RULES, 2020

1. These Rules may be cited as the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Variation Rules, 2020. Citation.

2. The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020 are varied as follows: Interpretation.

(a) by deleting the definition of “gathering” and substituting therefor the following new definition:

“gathering” means any private gathering or meeting for a social, cultural, economic or other purpose or public gathering, meeting, grouping, assembly, crowd, or procession, in or on any public road or space, any building, place or premises including wholly or partly in the open air, and including any premises or place used for sporting, entertainment, religious, cultural, political, academic, and fundraising purposes, for any barber shop, massage parlour and beauty salon activities or as bars or similar establishments, theatres and cinema, gymnasium, spa, dine-in restaurants and food courts, but does not include a market and an ordinary family gathering within a single household or living unit;

(b) Insert the following new Rule immediately after Rule 7 —

“7A. All places and premises listed in Schedule II shall remain closed during the restriction period.”

Prohibited  
places and  
premises.

(c) Insert the following new Schedule immediately after Schedule I—

#### SCHEDULE II

1. Any place or premises normally open to the public where religious, cultural, social, economic, sporting, entertainment, political, academic, fundraising or similar activities may take place
2. Golf clubs
3. Night clubs
4. Bars or similar establishments
5. Casinos
6. Barber shops
7. Massage parlours
8. Beauty salons
9. Gymnasiums
10. Spas
11. Theatres and cinemas
12. Dine-in restaurants and food courts
13. Any other place or premises as may be determined by the Cabinet Secretary from time to time.

Dated the 14th April, 2020.

MUTAHI KAGWE,  
*Cabinet Secretary for Health.*